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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,304	09/02/2003	Eric W. Hauck	1006.24-CIP	2766

7590 04/15/2005

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EXAMINER
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JOHNSON, BLAIR M

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/653,304	HAUCK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Blair M. Johnson	3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

***Claim Rejections - 35 USC § 103***

Claims 1-6 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kovach et al '530 in view of Japanese patent '028 and further in view of Patridge et al.

Kovach et al discloses a motor driven window covering that is controlled by a remote IR transmitter and a receiver mounted within the headrail. In '028, see infrared signal emitter 5 and visible laser beam emitter 6 housed within element 9 for emitting coaxial beams. The '028 apparatus activates a target by way of an IR beam 11 striking a receiver with the target, the IR beam being directed to the desired one of several targets by way of a visible light beam 10. One of ordinary skill in the art faced with the problem of using a remote control to activate a specific one of a plurality of window coverings would look to the remote control art and find '028 who achieves this objective as detailed above. Consequently, it would have been obvious to provide the remote operation of Kovach et al with such an aiming beam.

Patridge et al discloses a hand held laser pointer wherein the light beam is pulsed and has a duty cycle of 50%, column 3, lines 26-29. It would have been obvious to modify Kovach et al and Japanese '028 whereby the visible light beam on the transmitter blinks so as to achieve the obvious advantages. The specific blink rate is clearly an obvious choice of design based on the desired visible effect.

Claims 1-6 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kovach et al '530 in view of Patridge et al.

Kovach et al discloses a motor driven window covering that is controlled by a remote IR transmitter and a receiver mounted within the headrail. Patridge et al discloses a blinking laser pointer, as discussed above. In view of this teaching, it would have been obvious to modify Kovach et al whereby the visible light beam on the transmitter blinks so as to achieve the obvious advantages thereof.

Claims 1-5 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kovach et al '530 in view of Japanese '028.

Kovach et al discloses a motor driven window covering that is controlled by a remote IR transmitter and a receiver mounted within the headrail. In '028, see infrared signal emitter 5 and visible laser beam emitter 6 housed within element 9 for emitting coaxial beams. The '028 apparatus activates a target by way of an IR beam 11 striking a receiver with the target, the IR beam being directed to the desired one of several targets by way of a visible light beam 10. One of ordinary skill in the art faced with the problem of using a remote control to activate a specific one of a plurality of window coverings would look to the remote control art and find '028 who achieves this objective as detailed above. Consequently, it would have been obvious to provide the remote operation of Kovach et al with such an aiming beam.

Regarding claims 1-5, the visible light beam may be blinked by the operator merely by pressing the button repeatedly with two pushes per second attainable.

Claims 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese '028 in view of Patridge et al.

In '028, see infrared signal emitter 5 and visible laser beam emitter 6 housed within element 9 for emitting coaxial beams. The '028 apparatus activates a target by way of an IR beam 11 striking a receiver with the target, the IR beam being directed to the desired one of several targets by way of a visible light beam 10.

Patridge et al discloses a blinking laser pointer, as discussed above. In view of this teaching, it would have been obvious to modify '028 whereby the visible light beam on the transmitter blinks so as to achieve the obvious advantages thereof.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7-13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Japanese '028.

'028 is discussed above. The visible light beam may be blinked by the operator merely by pressing the button repeatedly with two pushes per second attainable.

### ***Response to Arguments***


The Examiner appreciates Applicant's astute observation regarding Nemirofsky et al and calling the Examiner's attention to the deficiencies thereof. Consequently, this action is not made final. Patridge et al has been used to teach the blinking visible beam for pointing purposes.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blair M. Johnson whose telephone number is (571) 272-6830. The examiner can normally be reached on Mon.-Fri., 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Blair M. Johnson  
Primary Examiner  
Art Unit 3634

BMJ  
4/13/05